

**In the Claims:**

1. (once amended) A tissue immobilizing device for stabilizing tissue within a patient's body cavity, comprising:

an arm having a distal end and a proximal end;

an actuator carried on the arm proximal end;

a spreader carried on the arm distal end, the spreader coupled to the actuator;

a first tissue engaging member carried on the arm distal end and coupled to the spreader, the first tissue engaging member having a first position, a second position, and at least a third position; and,

a second tissue engaging member carried on the arm distal end coupled to the spreader, the second tissue engaging member having a first position, a second position, and at least a third position;

wherein the actuator is configured to operate the spreader to selectively control the movement of the first tissue engaging member among the first position, the second position, and the third position and selectively control the movement of the second tissue engaging member among the first position, the second position, and the third position, wherein the first and second tissue engaging members are substantially parallel in the first position and at least one of the second and third positions.

2. (original) The tissue immobilization device as in claim 1 wherein the selective amount of spreading permits a first tissue engaging member and a second tissue engaging member to be spread proximate to the tissue area desired to be stabilized.

3. (original) The tissue immobilization device as in claim 1 wherein the first tissue engaging member and the second tissue engaging member move substantially parallel to one another when the first tissue engaging member moves from the second position to the third position and the second tissue engaging member moves from the second position to the third position.

4. (original) The tissue immobilization device as in claim 1 wherein the actuator is a mechanical control.

5. (original) The tissue immobilization device as in claim 4 wherein the mechanical control is a hand lever control.
6. (original) The tissue immobilization device as in claim 4 wherein the mechanical control is a control knob.
7. (original) The tissue immobilization device as in claim 4 wherein the mechanical control is a control slide.
8. (original) The tissue immobilization device as in claim 1, wherein the actuator is controlled by a clinician.
9. (original) The tissue immobilization device as in claim 8 wherein the actuator is a device selected from the group consisting of an automated system, a robot, an electromechanical device, and a mechanical device.
10. (original) The tissue immobilization device as in claim 1 wherein the first tissue engaging member and the second tissue engaging member are spaced apart a first distance when the first tissue engaging member is in the first position and the second tissue engaging member is in the first position.
11. (original) The tissue immobilization device as in claim 10 wherein the first distance is less than about 15 mm causing the first tissue engaging member and the second tissue engaging member to be substantially together.
12. (original) The tissue immobilization device as in claim 10 wherein the first tissue engaging member and the second tissue engaging member are spaced apart a second distance that is greater than the first distance when the first tissue engaging member is in the second position and the second tissue engaging member is in the second position.
13. (original) The tissue immobilization device as in claim 12 wherein when the first tissue engaging member and the second tissue engaging member are spaced apart a third distance that is

greater than a second distance when the first tissue engaging member is in the third position and the second tissue engaging member is in the third position.

14. (original) The tissue immobilization device as in claim 1 wherein the arm is configured to fasten to a stationary object to substantially fix the first tissue engaging member and the second tissue engaging member in relation to the stationary object.

15. (original) The tissue immobilization device as in claim 14 wherein the stationary object is a trocar sleeve.

16. (original) The tissue immobilization device as in claim 14 wherein the stationary object is selected from the group consisting of an operating table and a retractor.

17. (original) The tissue immobilization device as in claim 1 wherein the first tissue engaging member and the second tissue engaging member have a coupling surface selected from the group consisting of at least one suction cup, an adhesive surface, and a friction surface.

18. (original) The tissue immobilization device as in claim 17 wherein the at least one suction cup is coupled to a suction source.

19. (original) The tissue immobilization device as in claim 1, further comprising an arm variable joint positioned between the arm distal end and arm proximal end for articulating the arm to position the arm distal end.

20. (original) The tissue immobilization device as in claim 19, further comprising a variable joint positioner.

21. (original) The tissue immobilization device as in claim 20 wherein the arm variable positioner is selected from the group consisting of an automated system, robotic system, an electro-mechanical control, and a mechanical control.

22. (once amended) A tissue immobilizing device for stabilizing tissue within a patient's body cavity, comprising:
- an arm having a distal end and a proximal end;
  - an actuator carried on the arm proximal end;
  - a spreader carried on the arm distal end, the spreader coupled to the actuator;
  - a first tissue engaging member carried on the arm distal end and coupled to the spreader, the first tissue engaging member having a first position and at least a second position; and,
  - a second tissue engaging member carried on the arm distal end coupled to the spreader, the second tissue engaging member having a first position and at least a second position;
- means for selectively controlling operated by the actuator, the means for selectively controlling the movement of the first tissue engaging member from the first position to the second position and selectively control the movement of the second tissue engaging member from the first position to the second position, wherein the first and second tissue engaging members are substantially parallel to each other in the first and second positions.
23. (once amended) A tissue engager array for a tissue immobilizing device, comprising:
- a first tissue engaging member, the first tissue engaging member having a first position, a second position, and at least a third position; [[and,]]
  - a second tissue engaging member operable positioned to the first tissue engaging member, the second tissue engaging member having a first position, a second position, and at least a third position; and
  - a spreader coupled to the first tissue engaging member and coupled to the second tissue engaging member, the spreader configured to move the first tissue engaging member among the first position, the second position, and the third position, and the second tissue engaging member among the first position, the second position, and the third position so a selective amount of substantially parallel spreading occurs.
24. (original) The tissue immobilization device as in claim 23 wherein the selective amount of spreading permits a first tissue engaging member and a second tissue engaging member to be spread proximate to the tissue area desired to be stabilized.

25. (original) The tissue immobilization device as in claim 23, wherein the selective spreading is accomplished with an actuator positioned on the arm, the actuator being coupled to the spreader and controllable by a clinician.
26. (original) The tissue immobilization device as in claim 25 wherein the actuator is a mechanical control.
27. (original) The tissue immobilization device as in claim 26 wherein the mechanical control is a hand lever control.
28. (original) The tissue immobilization device as in claim 26 wherein the mechanical control is a control knob.
29. (original) The tissue immobilization device as in claim 26 wherein the mechanical control is a control slide.
30. (original) The tissue immobilization device as in claim 26 wherein the actuator is controlled by a clinician using a device selected from the group consisting of an automated system, a robot, an electro-mechanical device, and a mechanical device.
31. (original) A tissue engager array for a tissue immobilizing device, comprising:  
a first tissue engaging member, the first tissue engaging member having a first position, a second position, and at least a third position;  
a second tissue engaging member operable positioned to the first tissue engaging member, the second tissue engaging member having a first position, a second position, and at least a third position; and,  
means for spreading coupled to the first tissue engaging member and coupled to the second tissue engaging member, the means for spreading configured to move the first tissue engaging member among the first position, the second position, and the third position, and the second tissue engaging member among the first position, the second position, and the third position so a selective amount of spreading occurs.

32. (once amended) A method for immobilizing a tissue area within a patient's body, comprising:

introducing a first tissue engaging member carried on an arm distal end and a second tissue engaging member carried on the arm distal end into a patient's body with the first tissue engaging member and second tissue engaging member configured substantially together;

spreading the first tissue engaging member away from the second tissue engaging member after the first tissue engaging member and second tissue engaging member are within the patient's body;

controlling the spreading of the first tissue engaging member away from the second tissue engaging member, so a selective amount of substantially uniform spreading occurs;

coupling the first tissue engaging member to a first tissue surface and the second tissue engaging member to a second tissue surface to stabilize a tissue area within the patient's body; and,

fastening the arm to a stationary object to substantially fix the first tissue engaging member and the second tissue engaging member in relation to the stationary object.

33. (original) The method as in claim 32 wherein the selective amount of spreading permits a first tissue engaging member and a second tissue engaging member to be spread proximate to the tissue area desired to be stabilized.

34. (original) The method as in claim 32, controlling the spreading is accomplished with an actuator controlled by a clinician positioned on an arm proximal end coupled to a spreader on the arm distal end, the spreader being coupled to the first tissue engaging member and coupled to the second tissue engaging member.

35. (original) The method as in claim 34 wherein the actuator is a mechanical control.

36. (original) The method as in claim 35 wherein the mechanical control is a hand lever control.

37. (original) The method as in claim 35 wherein the mechanical control is a control knob.

38. (original) The method as in claim 35 wherein the mechanical control is a control slide.
39. (original) The method as in claim 34 wherein the actuator is controlled by a clinician using a device selected from the group consisting of an automated system, a robot, an electro-mechanical device, and a mechanical device.
40. (original) The method as in claim 32 wherein the stationary object is a trocar sleeve.
41. (original) The method as in claim 32 wherein the stationary object is selected from the group consisting of an operating table, and a retractor.
42. (original) The method as in claim 32 wherein introducing is accomplished through an entry point.
43. (original) The method as in claim 42 wherein the entry point is selected from the group consisting of an incision, a stab wound, a cannula, a trocar sleeve, a port, and an endoscopic access.
44. (original) The method as in claim 42 wherein the entry point located is selected from the group consisting of a chest wall, an intercostal space, and a sternum.
45. (original) The method as in claim 42 wherein the entry point of a chest wall also includes penetration of the pericardium.
46. (original) The method as in claim 32 wherein coupling is accomplished with the first tissue engaging member and the second tissue engaging member having a coupling surface selected from the group consisting of at least one suction cup, an adhesive surface, and a friction surface.
47. (original) The method as in claim 46 wherein the at least one suction cup is coupled to a suction source.

48. (original) A method for placing immobilized tissue within a patient's body under tension, comprising:

introducing a first tissue engaging member carried on an arm distal end and a second tissue engaging member carried on the arm distal end into a patient's body with the first tissue engaging member and second tissue engaging member configured substantially together;

spreading the first tissue engaging member away from the second tissue engaging member a first distance after the first tissue engaging member and second tissue engaging member are within the patient's body;

coupling the first tissue engaging member to a first tissue surface and the second tissue engaging member to a second tissue surface to substantially immobilize a tissue area within the patient's body;

spreading the first tissue engaging member away from the second tissue engaging member while maintaining the first tissue engaging member substantially parallel to the second tissue engaging member a second distance after the first tissue engaging member has been coupled to the first tissue surface and second tissue engaging member has been coupled to the second tissue surface to place the substantially immobilized tissue under tension within a patient's body; and,

fastening the arm to a stationary object to substantially fix the first tissue engaging member and the second tissue engaging member in relation to the stationary object.

49. (original) The method as in claim 48 wherein the substantially immobilized tissue under tension increases tissue stability compared to substantially immobilized tissue that is not under tension.

50. (original) The method as in claim 48 wherein the substantially immobilized tissue under tension increases tissue exposure compared to substantially immobilized tissue that is not under tension.

Please add the following new claims:

51. (new) The tissue immobilization device as in claim 1 wherein the first and second tissue engaging members have a contact surface adapted to engage tissue.



52. (new) The tissue immobilization device as in claim 51 wherein the first and second tissue engaging members have a suction lumen open to the atmosphere through the contact surface.
53. (new) The tissue immobilization device as in claim 52 wherein the contact surfaces of the first and second tissue engaging members are adapted to couple the first and second tissue engaging members to tissue.
54. (new) The tissue immobilization device as in claim 22 wherein the first and second tissue engaging members have a contact surface adapted to engage tissue.
55. (new) The tissue immobilization device as in claim 54 wherein the first and second tissue engaging members have a suction lumen open to the atmosphere through the contact surface.
56. (new) The tissue immobilization device as in claim 55 wherein the contact surfaces of the first and second tissue engaging members are adapted to couple the first and second tissue engaging members to tissue.
57. (new) The tissue immobilization device as in claim 23 wherein the first and second tissue engaging members have a contact surface adapted to engage tissue.
58. (new) The tissue immobilization device as in claim 57 wherein the first and second tissue engaging members have a suction lumen open to the atmosphere through the contact surface.
59. (new) The tissue immobilization device as in claim 58 wherein the contact surfaces of the first and second tissue engaging members are adapted to couple the first and second tissue engaging members to tissue.

60. (new) The tissue immobilization device as in claim 31 wherein the first and second tissue engaging members have a contact surface adapted to engage tissue.
61. (new) The tissue immobilization device as in claim 60 wherein the first and second tissue engaging members have a suction lumen open to the atmosphere through the contact surface.
62. (new) The tissue immobilization device as in claim 61 wherein the contact surfaces of the first and second tissue engaging members are adapted to couple the first and second tissue engaging members to tissue.
63. (new) The method as in claim 32 wherein the first and second tissue engaging members have a contact surface adapted to engage tissue.
64. (new) The method as in claim 60 wherein the first and second tissue engaging members have a suction lumen open to the atmosphere through the contact surface.
65. (new) The method as in claim 61 further comprising the step of applying suction from a suction source to the suction lumen of the first and second tissue engaging members to couple the first and second tissue engaging members to the first and second tissue surfaces.
66. (new) The method as in claim 48 wherein the first and second tissue engaging members have a contact surface adapted to engage tissue.
67. (new) The method as in claim 66 wherein the first and second tissue engaging members have a suction lumen open to the atmosphere through the contact surface.
68. (new) The method as in claim 67 further comprising the step of applying suction from a suction source to the suction lumen of the first and second tissue engaging members to couple the first and second tissue engaging members to the first and second tissue surfaces.